IN THE

MAR 1 19

## Supreme Court of the United States RODAK, JR

October Term, 1972

Nos. 72-694, 72-753, 72-791, 72-929

COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY et al.,

Appellants,

EWALD B. NYQUIST etc. et al.,

Appellees;

WARREN M. ANDERSON, as Majority Leader and President pro tem of the New York State Senate,

Appellant,

Appellants,

COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY et al.,

Appellees;

EWALD B. NYQUIST etc. et al.,

4 1

COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY et al.,
Appellees;
PRISCILLA L. CHERRY et al.,
Appellants,

.

COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY et al.,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

## IEMORANDUM IN OPPOSITION to MOTION of SIDNEY A. SEEGERS et al. FOR LEAVE TO FILE BRIEF AMICI CURIAE

PORTER R. CHANDLER

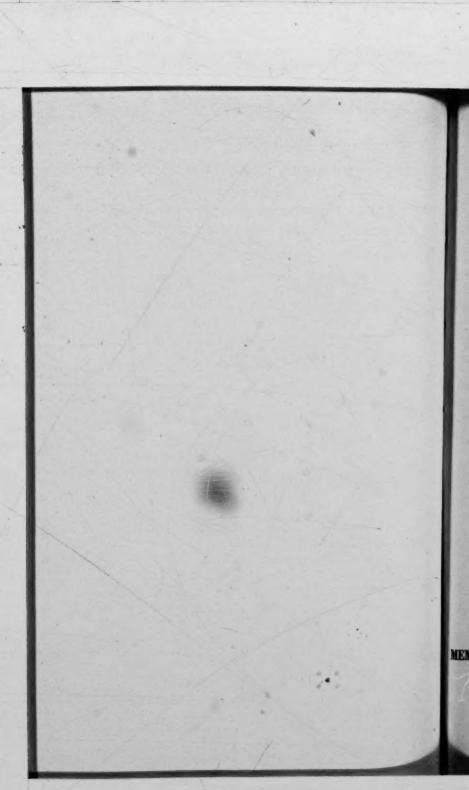
Attorney for Appellants Cherry, Ferguson and Ruiz and for Appellees Boylan, Ducey, Ferrarella and Roos

1 Chase Manhattan Plaza New York, New York 10005 Tel.: (212) HA 2-3400

AQUILINO, JR.

g

d



## Supreme Court of the United States

October Term, 1972 Nos. 72-694, 72-753, 72-791, 72-929

COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY et al.,

Appellants,

V.

EWALD B. NYQUIST etc. et al.,

Appellees;

ARREN M. ANDERSON, as Majority Leader and President pro tem of the New York State Senate,

Appellant,

COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY et al.,

Appellees;

EWALD B. NYQUIST etc. et al.,

T

Appellants,

COMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY et al.,

Appellees;

PRISCILLA L. CHERRY et al.,

V.

Appellants,

OMMITTEE FOR PUBLIC EDUCATION & RELIGIOUS LIBERTY et al.,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

SEEGERS et al. FOR LEAVE TO FILE BRIEF

AMICI CURIAE

Appellants Cherry, Ferguson and Ruiz in appeal 72-929 and appellees Boylan, Ducey, Ferrarella and Roos in appeal 72-694 received in the mail on February 23, 1973 the Motion of Sidney A. Seegers et al. for leave to file an amicus brief in the above appeals. This motion is opposed pursuant to Rule 42(3) of the Rules of this Court for the following reasons:

- 1. The New York statute under review by this Court in the above appeals is *sui generis*, differing in a number of material respects from the Louisiana legislation referred to by applicants.
- 2. The motion for leave to file appears to be merely an effort on the part of the applicants to influence the outcome of the litigation allegedly now pending in the United States District Court for the Middle District of Louisiana.
- 3. The position of, and arguments proposed by, applicants are already represented by Leo Pfeffer, Esq., coursel for the Committee for Public Education & Religious Liberty et al.
- 4. The motion for leave to file does not conform with the specific requirements of Rule 42(3) of the Rules of this Court.

Dated: February 26, 1973

Respectfully submitted,

PORTER R. CHANDLER

Attorney for Appellants Cherry, Ferguson and Ruiz and for Appellees Boylan, Ducey, Ferrarella and Roos

1 Chase Manhattan Plaza New York, New York 10005 Tel.: (212) HA 2-3400

RICHARD E. NOLAN
THOMAS J. AQUILINO, JR.
Of Counsel